A thorough student of Roman law and the modern codes, well acquainted with English law, Professor Ehrlich lived and taught in a place where modern law and primitive law came together and a modern complex industrial society jostled with groups of much older types. Thus he had exceptional advantages which he did not fail to improve. His studies of the rôle of non-litigious custom in the development of law have put historical theories of law upon a surer foundation.

Equally at home in German, French and English he wrote for scientific legal periodicals throughout the world. His paper, *Montesquieu and Sociological Jurisprudence*, 29 HARVARD LAW REVIEW, 582, printed exactly as received from him, attests his mastery of English. He had accepted an invitation to come to America and deliver a course of lectures at the Lowell Institute and to address the Association of American Law Schools in December, 1914, but was prevented by the outbreak of the war which cut off Czernowitz from the rest of the world. At the close of the war it was hoped that he might be able to accept a renewed invitation. Unhappily the hardships incident to the war in which Czernowitz was fought over backward and forward repeatedly, undermined his health and he did not live to be restored to his work in the re-established university. His death while still in the fulness of his powers is a serious loss to the science of law.

THE SOCIOLOGY OF LAW

MAY I not begin these observations with a question? Is there such a thing as a worldwide Law? Or are there Laws, differing in various states, among various peoples? Most jurists and many laymen would be inclined at once to answer the second question in the affirmative; they have always heard of a French, an English, a Roumanian law, hence it seems very natural for them to believe in the multiplicity of Laws. Were one to suggest that over and above all of these varieties there must exist some universal legal ideas, they would answer that this is a conception which goes with

the long-exploded Law of Nature in which no scientific jurist believes any more.

What could they say, however, to the following counter-suggestion? Suppose we were undertaking a trip into a land of whose law we knew nothing. We should assuredly expect to find certain things in this land: marriage, family, possession. We should certainly expect to get goods for our money in the shops, to rent a room, to be able to make or receive a loan, to find that property is inherited after one's death. All these matters, marriage, family, possession, contracts, succession, are legal affairs unthinkable without a law. And if they occur among all civilized peoples in every civilized state, it seems obvious that there must be something in them common to all legal systems. Among uncivilized and half-civilized peoples we should miss some of these things, should find others in a hardly recognizable condition, but even there the whole scheme will hardly be absent. In some respects an exception is constituted by Bolshevik Russia of today, but this exception is very instructive because, as I hope to show, it is one of those that proves the rule.

As so often happens where diametrically opposed views are expressed, so here too affirmation and negation rest upon the use of similar words to designate different things with the result that the opposing parties talk past each other. Those who proclaim a multiplicity of Laws understand by "Law" nothing other than Legal Provisions, and these are, at least today, different in every state. On the other hand, those who emphasize the common element in the midst of this variety are centering their attention not on Legal Provisions but on the Social Order, and this is among civilized states and peoples similar in its main outlines. In fact many of its features they possess in common even with the uncivilized and the half-civilized.

The Social Order rests on the fundamental social institutions: marriage, family, possession, contract, succession. A social institution is, however, not a physical, tangible thing like a table or a wardrobe. It is, nevertheless, perceptible to the senses in that persons who stand in social relations to each other act in their dealings according to established norms. We

know how husband and wife, or members of a family, conduct themselves toward each other; we know that possession must be respected, contracts performed, that property after the death of its possessor must pass to his relatives or those persons mentioned in the last will, and we behave accordingly. If we travel in a strange country, of course we encounter some deviations from the system we are accustomed to and become involved in difficulties as a result, but soon we become sufficiently instructed through what we see and hear around us to manage to avoid collisions, even without acquiring a knowledge of the provisions of the law. A Legal Provision is an instruction framed in words addressed to courts as to how to decide legal cases (*Entscheidungsnorm*) or a similar instruction addressed to administrative officials as to how to deal with particular cases (*Verwaltungsnorm*). The modern practical jurist understands by the word "Law" generally only Legal Provisions because that is the part of Law which interests him primarily in his everyday practice.

Is a legal system possible without Legal Provisions? In other words, is a legal system imaginable which consists of nothing other than the Social Order? This question must be answered in the affirmative if only for the reason that society is older than Legal Provisions and must have had some kind of ordering before Legal Provisions came into existence. If one reads Tacitus' *Germania* he finds there a rather comprehensive description of ranks (princes, nobility, the free, the half free and the slaves); something, too, about family relationships; then the famous puzzling passage about the landholding system of the Germans, some suggestions about their contracts and more detailed remarks about inheritance: but one looks in vain for any instructions to courts for the settlement of litigation. Indeed such instructions would have been hardly possible with the primitive court organization of the old Germans. And the same result is reached if one seeks instruction concerning the law of other uncivilized or half-civilized people out of books of travel or reports of missionaries; he learns much about the regulation of marriage, family, and the ranks and stations in life, about landholding systems, contracts and succession, but at the same time he finds nothing that can be

compared with the Legal Provisions with which we are familiar.

So it is throughout the earlier stages of the evolution of peoples. If, however, we turn our attention on the same peoples at later periods, it becomes manifest that they have accumulated a large number of Legal Provisions, but that these cannot possibly embrace the whole of their social order. The *Lex Salica Francorum* includes in its numerous paragraphs all that the Salic Franks ever had of Legal Provisions. But if we compare them, for example, with that which is said of the law of the Franks in Brunner's *Rechtsgeschichte*, it becomes clear that only a very small portion of the latter is taken from the *Lex Salica*. The greater part rests upon facts in works of history, documents and other sources. That is to say, only a very small portion of the law of the Franks of that time had been put together in the form of Legal Provisions. And since that time it has hardly been otherwise. Even today the whole law is incapable of being included in Legal Provisions. True, the mass of Legal Provisions has in recent centuries grown to such an extent that there is certainly no jurist in the world who can master all of them even for his own state without losing his mind. But life's content is even richer. To embrace the whole variegated body of human activities in Legal Provisions is about as sensible as trying to catch a stream and hold it in a pond; the part that may be caught is no longer a living stream but a stagnant pool — and a great deal cannot be caught at all.

This follows from the history of the Legal Provision which I have expounded in several of my writings, particularly in the *Grundlegung der Soziologie des Rechts* and in the *Juristische Logik*. In the so-called pre-history of law there are as yet no courts. Quarrels are either peacefully settled through compromise or dragged out in bloody feuds. Generally they are based on murder, mayhem, kidnapping, rape, theft, cheating. Courts begin to appear later. When the parties under the pressure of their environment reach the point of taking it for granted that their quarrel must be peacefully settled and yet cannot arrive at an agreement as to the compensation for which the injured party should abandon the feud, they submit

to the judgment of one or more men in whom they repose confidence. The duty of these is to mete out the compensation which will serve as damages. This is generally expressed in terms of the number of head of cattle for which one may take it for granted that the injured party will abandon the feud. The amounts of these penalties are remembered; if at a later time a similar case arises, it becomes increasingly self-evident that a complainant must be satisfied with the estimates of what the culprit should pay as worked out in earlier cases. Such traditional penalties or "Compositions" are frequently collected and published by a public authority such as a folk assembly; these collections are mere tables of penalties. The German folk-laws, the so-called *Leges Barbarorum*, were chiefly such tables of penalties. Their contents were something like this: If a freeman kills a nobleman, he pays so many pieces of gold; if one strikes out the eye of another, he pays so much; if he strikes out both eyes, so much; if one steals a cow, he pays so much; if he steals a hen, he pays so much. The fragments of the Roman Twelve Tables that have come down to us come, of course, from several stages in the evolution of law, but the oldest clearly belong to such a table of penalties.

This was the original form of Legal Provisions. It does not serve its purpose long. The economic life of the folk expands, property increases, commerce and industry flourish, and thus there arise legal quarrels of a type altogether different from the earlier ones. They put before the judge new problems for the solution of which a much greater mental effort is necessary than theretofore. Judicial decrees begin to awaken general interest. There are people who write them down, gather them, arrange them, and at the same time on all sides there arises a demand that every new legal case that is at all similar to an older one shall, so far as possible, be decided according to the same Legal Provisions. (Here is the principle of the stability of norms for decision). Thus those persons who master the learning of the decisions achieve a great influence in the development of the law; they become jurists who, occasionally as judges, but more often as writers of opinions and counsellors, determine the course of decisions. In this way

judicial decisions become Legal Provisions for they contain the norms for the decision of future cases.

The Legal Provision in its original form is thus a judicial decision. Every developed legal system has passed through a period in which Legal Provisions were put forth chiefly in judicial decisions, and even the law of such progressive peoples as the modern English and Americans is in a very essential portion, the common law, still in that stage. The Legal Provisions of the English common law must in every case be sought out in the hundreds and thousands of volumes of English and American judicial decisions. But the jurists do not stop with the mere gathering and arranging of judicial decisions. In course of time they become writers and teachers of law, and in these capacities they develop the Legal Provisions further, chiefly through generalization. In judicial decisions there are essential and unessential matters. Thus it may be said in one that the plaintiff had red hair or that the defendant was married, although neither matter is relevant. The jurists cast aside the non-essentials and thereby make a Legal Provision of general application. The Legal Provision of the Twelve Tables about homicide through negligence began with these words: "*Si telum manu fugit magis quam jecit* —if the javelin slipped from his hand before he threw it." Here one can still see the traces of the original case for which the judicial sentence was shaped. Jurists declared, however, that it made no difference whether the accused had allowed a javelin to slip or had been negligent in any other way; and thus arose in jurisprudence the Legal Provision: "Whoever negligently has caused the death of a human being." But then jurists sought at times to anticipate the courts and to shape Legal Provisions for cases which had not yet been decided by the courts. In this manner as a matter of practice new Legal Provisions may arise in jurisprudence itself.

This juristic law has in many cases displaced all other law — so in ancient Rome, in Italy, Germany, France, the Netherlands, in the sixteenth and seventeenth centuries, and partly even to the end of the eighteenth century, in many parts of Germany even in the nineteenth century. Courts no longer relied upon earlier judicial decisions or statutes, but only on

the writing of jurists. But these writings were a monstrous heap of hundreds and thousands of volumes full of contradictions and disputed points. And so it became natural to attempt to bring order out of this chaos for the good of the state. This above all did the Roman emperor Justinian. The second part of the *Corpus Juris*, his celebrated legal work (the Pandects) consists of excerpts from the writings of Roman jurists in which he does away with contradictions so far as possible and settles all disputed points. The same path was trodden by the law-givers of European states at the end of the eighteenth and in the nineteenth century and so there arose: the Prussian *Landrecht*, the *Code Napoléon*, the Austrian Code, the German *Bürgerliches Gesetzbuch*, the Swiss *Zivilgesetzbuch*, and the many imitations of these works. It is wrong to see in these works legislation in the proper sense. They are chiefly collections of already existing juristic law. Even in those cases in which their promulgators attempted to find a solution for a particular case which had never yet been decided, a rather unusual occurrence, they were only doing what jurists had long been in the habit of doing. Thus they gave us chiefly juristic law. It is for this reason incorrect to suppose, as many do, that all law is created by the state through its statutes. The great mass of law arises immediately in society itself in the form of a spontaneous ordering of social relations, of marriage, the family associations, possession, contracts, succession, and most of this Social Order has never been embraced in Legal Provisions. Legal Provisions, on the other hand, come into existence through judicial pronouncements or through jurisprudence as judicial or juristic law. The statute books have, of course, the form of state-made statutes, but so far as their content is concerned, they are almost entirely works of juristic law.

One must not, however, conclude from this that there is no such thing as state law, that is to say, law created by the state through legislation. The state brings law into existence by creating institutions through its power of compulsion (in the last analysis military) and provides them with a legal regulation. State law includes, first of all, the state constitution itself, then all law involving the army, finance, police

regulations for the public health, safety, and morals, likewise the law of modern social welfare and social insurance. State law consists for the greater part of rules of administration (instructions addressed to administrative officials). Still it includes also rules of decision (instructions to the judge as to how to proceed and how to decide in litigation).

Legislation is commonly considered the oldest, the original, the peculiar task of the state. In reality, however, the state becomes a law-giver only late in its existence. The original state is a purely military center of might and is concerned neither with law nor with courts. The original state, so far as it is not yet Europeanized, knows no legislation. We speak, it is true, of the legislation of Moses, of Zarathustra, of Manu, of Hammurabi, but these are only collections of judicial and juristic laws together with numerous religious, moral, ceremonial and hygienic provisions such as we see in popular or popular-scientific writings. An oriental despot can, if he pleases, level a city to the earth or condemn a few thousand human beings, but he cannot introduce civil marriage into his kingdom. Even the popular assemblies of the ancient city-states made no statutes, but only rules for certain particular cases, for war and peace, the imposition of taxes, treaties, reception and sending away of foreign representatives. True legislation we come upon for the first time in Athens where an accurate distinction was made between a decision concerning a particular rule (ψήφισμα) and a decision containing a Legal Provision (νόμος), and then in perfect development in ancient Rome. The German states of the middle ages stand at first under the influence of Roman tradition. For this reason we come across a kind of legislation in the early middle ages, the royal capitularies; but the further we proceed from antiquity in time, the rarer become the capitularies until at last every vestige of legislation disappears. At the Diet of Worms in the ninth century the question of the right of cousins to inherit is decided through a judicial duel, and when in the twelfth century the English bishops urged the Parliament of Merton to legalize the rule of legitimation by the subsequent marriage of the parents of the child born out of wedlock, the secular members of Parliament answered: "*Nolumus mutare leges*

Angliae — we do not wish to change the laws of England." As this answer shows, their attitude was dictated not by any disinclination to accept the principle of legitimation itself, but rather by the thought that the matter was of such a nature that the Parliament of that time neither could nor should under any conditions interfere with it. State legislation becomes prominent again in the eleventh century in Italy, in the thirteenth in England, in the fourteenth in France, and in the fifteenth in Germany.

It could not have been otherwise. It is not enough that a statute is passed; it must be capable of being enforced. For this purpose the state must have in the persons of the judges and other officials organs capable of putting the law into practice. But courts and other officials are at the outset social institutions, appointed or otherwise selected men having the confidence of the parties or of the population in general, who are just as little concerned about legislation as juries are at times in our midst. Furthermore, there must also be the means of making the statute known among all these organs spread out, as they are, over the entire realm. These men must be able to read, to understand, to apply the statute. For all this capable men are needed, and these were lacking in the oriental state and during the greater part of the time also in the mediaeval European state. Until quite recently there was in Europe one state, Turkey (or is it still there?), which for this reason until the middle of the nineteenth century had no legislation and could have none. The Turkish judge, the Kadi, is an ecclesiastic who knows nothing but the *sheriat* law made up entirely of Islamic juristic law. If the Sultan were to send the Kadi a set of exchange regulations, the man would certainly not know what to do with them. When Turkey, after the Crimean War, began to Europeanize itself and provided itself with a modern code of commercial law, it was compelled to establish its own commercial courts at the same time.

From this presentation, which in essentials follows that which I worked out in greater detail in the *Soziologie des Rechts*, it is clear that it is entirely wrong to believe, as so many do, that social institutions, marriage, family associations, possession, contracts, succession, have been called into existence

through Legal Provisions, or, worse yet, through statutes. Only state institutions are created through statutes, but the great mass of Legal Provisions are made not through statutes but in judicial and juristic law, and not through forethought but through afterthought; for in order that the judges and jurists may become occupied with a juristic dispute, the institution involved must already have its existence in life and must have given rise to the dispute. Even in the comparatively rare cases in which the jurists have found Legal Provisions not for actual but for academic legal instances, the thought of such legal instances could only have come to them after a foundation had already been laid for them in society. The state is older than state law. The Legal Provisions of marriage and family law pre-suppose the existence of marriage and the family. The Legal Provisions that constitute the law of possession could not possibly have been evolved before a system of possession was in existence. Provisions of law with reference to contract could not possibly have come about before the corresponding agreements had been made. And people had already inherited property for centuries when the first Legal Provisions with reference to the inheritance of property were being formulated.

So it was not only in the gray past; so it is even today. For the social order is not fixed and unchangeable, capable at most of being refashioned from time to time by legislation. It is in a constant flux. Old institutions disappear, new ones come into existence, and those which remain change their content constantly. Marriage today is not exactly what it was formerly. Whoever can look back over fifty years needs nothing but his own recollection to prove that the relation between husband and wife, or that between parents and children was in his youth something very different from what it is now. Where modern intensive agriculture has been taken up, it has displaced the old legal system of landholding with something quite different. The needs of modern great cities have brought with them the huge building enterprise of which half a century ago no mention had ever been made, and this is in process now of transforming the system of landholding in cities. Altogether different kinds of contracts come to be

made. Who knew anything thirty years ago of the *Arbeitertarifvertrag* (which Lothwar in Bern discovered in his celebrated book on the workman's contract)? Who forty years ago had thought of the competition clause in the contract of commercial institutions which is now the source of so much worry for the jurist? Who, a hundred years ago, had ever heard of a railroad freight contract, and where until recently were the trusts and combinations? In the short period of a human life the extent of such changes is only rarely recognizable, but in the course of centuries, they assume the proportions of tremendous revolutions. If modern society shows quite a different aspect from that of the middle ages, we must remember that this has come about for the greater part gradually, not by any means through legislation but through little readjustments which were hardly noticed by contemporaries.

New conditions, moreover, means also new conflicts of interests, new types of dispute, which call for new decisions and new Legal Provisions. This need is served in large measure in our times through legislation. But this comes about as an afterthought, after the thing has become obvious enough to set the legislative machinery into motion. For the greater part, however, this work is even now being done by means of the Legal Provisions of judicial and juristic law. This fact is generally overlooked because the judges and jurists who decide a dispute on the ground of a Legal Provision discovered by themselves according to the modern fashion cite a number of sections of a statute so as to give the appearance of deciding on the basis of these sections. This is the nature of juristic sophistry which I have described more fully in my *Juristische Logik*. The lawgiver can, by means of his statutes, render decisions only in those types of legal cases which come to his attention. Therefore no decisions can be derived from a statute as to legal cases of which the legislator has never thought or been able to think. The situation is clearly reflected in any edition of a statute book with decisions, an annotated code. There in connection with each section the judicial decisions bearing on the section are noted. Such a decision is very likely to contain as a matter of fact a new Legal Provision to which the courts will hold exactly as if it had been included in the statute itself.

From this it is clear why Legal Provisions cannot possibly cover the entire law. Judicial decisions flow only from those cases which are brought before the court. And even the jurists deal in their writings usually with only those legal questions which occupy the courts. But only a very few matters come before the court. Most affairs work themselves out without any dispute. There are unnumbered persons who stand or have stood in innumerable legal relations without ever having anything to do with courts or officers. But even if a dispute has arisen, it is often settled in a friendly manner either because the parties have reached a compromise or because they have renounced their claims because they dreaded the costs in time and money, or, as so often happens today, because farmers, day-laborers, working men have no hope of winning a victory in court against a powerful and influential antagonist. In addition to this we must remember that in general only the decisions of the highest and most respected courts operate to create Legal Provisions, and inasmuch as many kinds of disputes in which only negligible sums are involved never reach these courts, it comes about that there are no Legal Provisions for them. This is all the more true because juristic writers until recently have not deigned to concern themselves with such affairs of insignificant persons. From a business point of view, these matters are quite unremunerative, though from the point of view of society they are often extremely important. Finally, it must be borne in mind that Legal Provisions are naturally lacking for new legal situations because it necessarily takes some time until a sufficient number of legal disputes involving them reach the point of judicial decision and until they are forced upon the attention of juristic writers.

There is hardly a legal matter of greater import to the mass of the people than the contract of work and services, and yet the French *Code Civil* contains on this subject but two meager articles: one forbids any work or service contract for the period of a lifetime; the other (repealed in France under Napoleon III) grants the privilege to the one who furnishes the service or gives the work to prove the payment of wages through his oath. No one will assume that with this the contract of work and services is in any way regulated. The ex-

planation of the matter is manifestly that the compilers of the Code had no Legal Provisions at hand for the simple reason that at that time the contract of work and services had been dealt with only in the lower courts and had not been developed in the literature. Today this contract swarms with Legal Provisions which in part have been included in the statutes promulgated up to this time and which in part are founded upon legal decisions. This change was introduced by reason of the rising social significance of the great masses.

The Legal Provision is thus dependent upon society both for its existence and for its content. It cannot come into existence until there are present in society the institutions to which it pertains, and it takes its content from the decision of conflicts of interests which come up in society and which for the most part have already found judicial solutions. Likewise a law is generally first promulgated after the conflicts of interests in society have become so sharp that state interference becomes inevitable. The Legal Provision is applicable, on the other hand, only so far and so long as its presuppositions endure in society. If the conditions for which it is relevant fall away, if the conflicts of interest to which it pertains do not repeat themselves, then the Legal Provision becomes a dead letter even if it is not expressly repealed. In the states which in the last three years have become free states, the provisions concerning *lésé majesté* and offering affronts to the members of the reigning houses have become obsolete. This is not true, however, of the stipulations concerning the offending of members of foreign reigning houses for the conditions presupposed in the former proposition have ceased; those in the latter still remain. Indeed it is quite sufficient if a former belief in the existence of a conflict of interests has been lost. The provisions in the criminal code of Emperor Carl V (the so-called Carolina) concerning witchcraft were not applied in Germany from the time that people ceased to believe in witches and wizards.

Several facts may seem in conflict with this theory. It is well known, for example, that in Italy, Spain, France, Germany and the Netherlands in the late middle ages, Roman Law, or, more accurately, the Justinian Code, the *Corpus Juris*, was

received and remained in force until the end of the eighteenth and to some extent to the middle or end of the nineteenth century. Likewise in many European and other states codes have come into force which are only reworkings of the French codes, especially the *Code Civil.* Similar phenomena can be adduced from other sources. One may jump to the conclusion that none of these codes is related to the society for which it is brought into operation in this manner. But this contradiction is only an apparent one. The fundamental institutions of civilized society agree, as was remarked at the outset, in the main points. We find wherever we go marriage, the family associations, possession, contracts, succession. To this extent the society which created the Legal Provisions resembled that which adopted them, and the Legal Provisions of the one were thus to a certain extent applicable to the other. If this were not the case, if the two societies differed as widely as let us say the original societies of uncivilized and semi-civilized peoples, or the Bolshevistic societies of modern civilized peoples, then a similar transfer of Legal Provisions would have been utterly impossible. The differences are limited to details, but even these details bring it about that the transplanting of laws is possible only within the narrowest limits. A Legal Provision may be utterly useless for conditions and legal cases for which it has never been formed. A Legal Provision is none the less a new one created by the judge or the jurist, even though another Legal Provision is cited from the old code to serve as its basis. It would be a mistake to believe that the common law which was in force in Europe since the end of the middle ages was simply Roman law. It was an entirely new law propped up on the old *Corpus Juris.* No truer is it that the French code is in force in Roumania. Roumanian jurists have created for Roumanian legal situations their own Roumanian law for which they have, of course, drawn inspiration from the *Code Civil.*

Down to the most recent times jurisprudence has seemingly concerned itself almost exclusively with Legal Provisions. This phenomenon is easily understood for it has been overwhelmingly a practical science calculated to serve the needs of the practical jurist, the judge, the lawyer, the notary, and

for them the Legal Provision is the thing of primary interest. But the Legal Provision is, as we have seen, only one form and at that a late derivative form of law. The great mass of law which originates with social institutions comes into being and develops not, as one might suppose, only in primitive times, but also in the living present as the natural offspring of society itself. With this jurists have at best been only collaterally concerned when they asked the question which Legal Provisions were applicable in connection with disputes arising from existing social institutions,— as I have shown in my *Juristische Logik*, a futile undertaking unless the institution or at least the conflict of interests which led to the legal dispute is met by an already formulated Legal Provision.

The modern science of society, sociology, looks upon law as a function of society. It cannot limit itself to the Legal Provision as such. It must consider the whole of law in its social relations and must also fit the Legal Provision into this social setting. For this purpose obviously the greatest possible knowledge of the whole structure of society, of all its institutions, and not only those regulated by statutes, is prerequisite. Such a task is far beyond the powers of the individual. Just as the cartographers for many thousands of years and, at least for the last hundred years, in every country with the aid of support from the state, have been working on the record of the surface of the earth, so now a record of society must be made through organized work. So far as social phenomena are capable of being expressed in figures, capable of being counted, capable of being weighed and capable of being measured, this is already being done in the statistical institutes; but it is necessary to free ourselves from such limitations, for those social phenomena which cannot be expressed in figures are also of the greatest scientific and practical value.

I have pointed out the necessity for such a study of society in numerous works. They have attracted attention, particularly in the United States. In June, 1914, I received an invitation from the Association of American Law Schools to present my plans at their general meeting in December, 1914, and I had hoped to accomplish this purpose. The war that broke out in the meantime unfortunately prevented me from

acting on the invitation.[1] Since that time I have to my great satisfaction found a very keen understanding of the importance of such endeavors in Roumania. The great Roumanian scholar, Professor Jorga, has placed at my disposal his East European Institute for a lecture. The lecture which I held there has since been published in *Neamul Românesc*. The Society for the Investigation of Living Law was thereupon founded. Independently Professor Gusti has established an Institute Social Românesc according to the charter of which (*Statutele Institutului Social Românesc*, Bucureçti, 1921) a juridical section will be included.

Eugen Ehrlich.

Translated by Nathan Isaacs.

[1 Professor Ehrlich's views were summarized by Professor William Herbert Page at the meeting of the Association of American Law Schools held in Chicago in December, 1914. See PROCEEDINGS OF THE 14TH ANNUAL MEETING OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS, 46–75. — TRANSLATOR.]